COLORADO
Office of Judicial Performance Evaluation
Judicial Branch

OJPE

The Honorable Gilbert M. Roman
2016 Judicial Performance Survey Report
Appellate Court

Conducted by:

MARKET
DECISIONS
RESEARCH

Contents

Summary of Results

For Judge Gilbert M. Roman, 207 qualified survey respondents submitted surveys. Of those who responded, 121 agreed they had worked with Judge Roman enough to evaluate his performance. This report reflects these 121 responses.

Respondents rated judges on various questions using an A to F for fail scale, in which the grades were then converted to the following numerical scores: A= 4, B=3, C=2, D=1 and Fail=0. An average score of 4.0 is the highest possible score and a 0.0 is the lowest possible score.

Overall Score

Figure 1
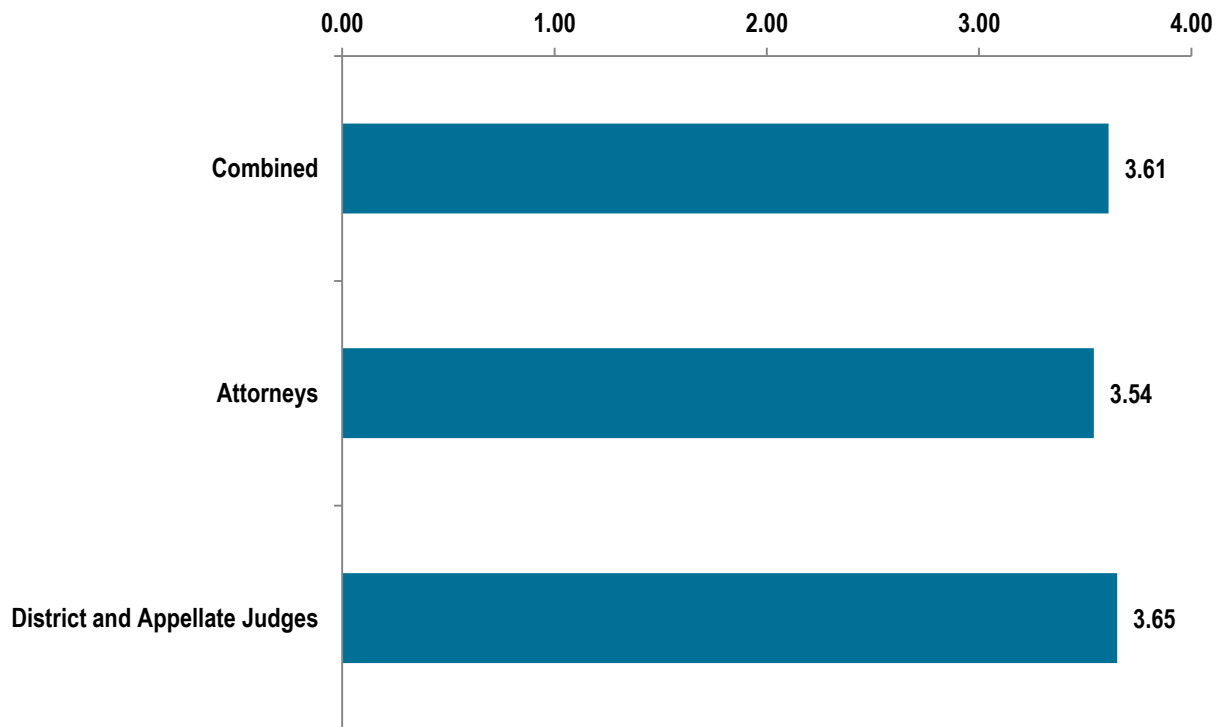
Table 1

Judge Gilbert M. Roman Overall Scores			
	Combined	Attorneys	District and Appellate Judges
Overall Grade	3.61	3.54	3.65

Retention Scores

Figure 2
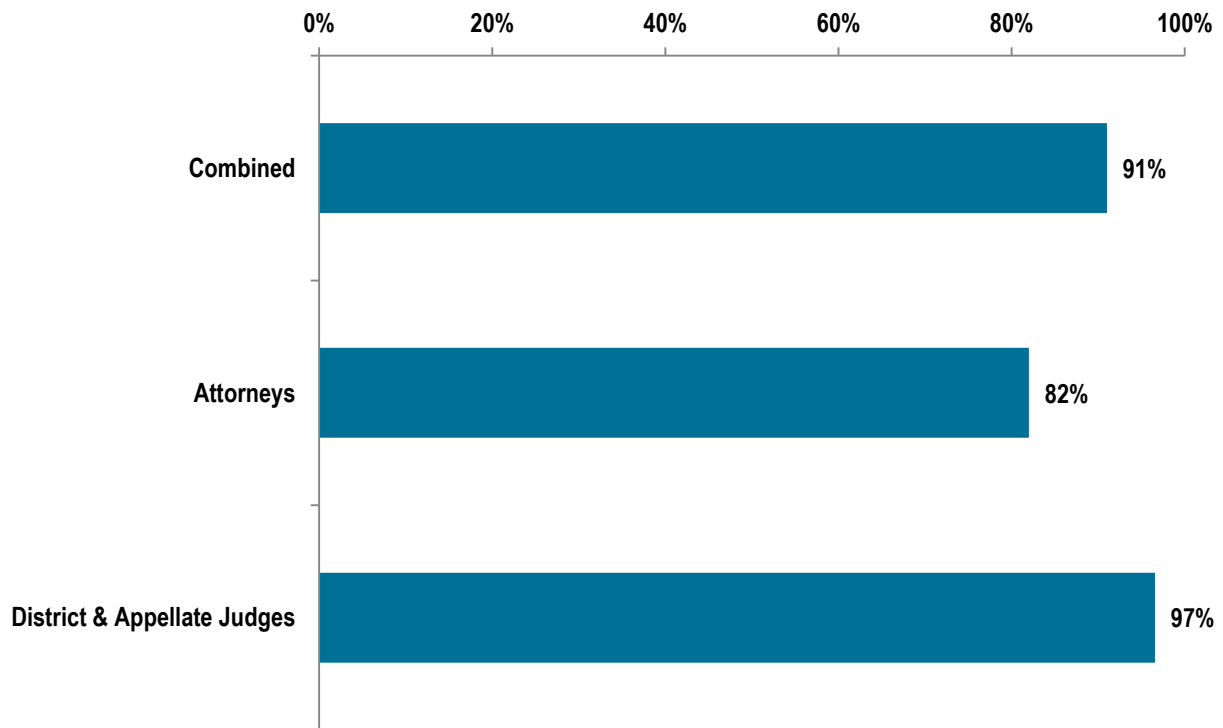
Table 2

Judge Gilbert M. Roman Overall Retention Scores			
	Combined	**Attorneys**	**District & Appellate Judges**
% Recommending Retention	**91%**	**82%**	**97%**

Individual Category Scores

Table 3

Judge Gilbert M. Roman Overall Category Scores		
Area	Attorneys	District and Appellate Judges
General	3.71	3.65
Writing	3.36	N/A

Respondent Characteristics

Table 4: Response Rates

Group	Total Sent	Undeliverable or Not Applicable*	Complete	Response Rate	% Without sufficient knowledge**
Attorneys	213	12	44	41%	46%
District and Appellate Judges	211	0	77	59%	38%

*Undeliverable or Not Applicable surveys are those that were returned as undeliverable, the person no longer works at the address provided, or the respondent is deceased

**The percent without sufficient knowledge are those that said they had insufficient experience to evaluate the judge or justice

Survey of Attorneys

Methodology and How to Read Results

For Judge Roman, 82 qualified survey respondents submitted surveys. Of those who responded, 44 agreed they had worked with Judge Roman enough to evaluate his performance. This report reflects these 44 responses. The survey results are divided into two sections: General Evaluation and Writing.

The results are shown in both graphs and tables. Each judge's scores are shown along with a comparison to other judges who serve at the same court level. The comparison group is called "Appellate Judges" on the charts.

a. Response rates

During the 2015 administration, a total of 13,709 survey invitations were sent to 5,482 attorneys inviting them to evaluate judges and justices standing for retention in 2016. On average, each attorney was asked to evaluate 2.5 judges. 3,738 surveys were completed with an additional 1,818 responses where the attorney indicated that they did not have enough experience with the judge to be comfortable evaluating him or her. The response rate for the survey was 42% and the survey completion rate (the number of those familiar enough to evaluate the judge divided by the total number of attorney responses including those indicating they did not have sufficient familiarity to evaluate the judge) was 67%.

A total of 161 invitations were sent to 27 staff attorneys working in the appellate courts. Of these, 81 surveys were completed and an additional 11 indicated that they did not have enough experience with the judge to be comfortable evaluating him or her. The response rate for the survey was 57% and the survey completion rate (the number of those familiar enough to evaluate the judge divided by the total number of attorney responses including those indicating they did not have sufficient familiarity to evaluate the judge) was 88%.

b. Methodology

The 2015 attorney survey was conducted online beginning on September 16, 2015 and closed on February 22nd 2016. Attorneys were first mailed a pre-notification letter sent on September 16, 2015 informing them about the survey and providing a link and login information to access the survey online. Next, a series of three email invitations were sent on September 24th, September 30th, and October 14th. Reminder calls were placed to the offices of selected attorneys in an attempt to increase response rates between November 12th and December 1st. Additional invitations were sent upon request during the reminder calls.

Appellate staff attorneys received the same survey as other attorneys, but were invited separately with a series of email invitations starting with the initial invite on October 5th, 2015 and followed with reminders on October 14th and 22nd.

To further increase response rates, an additional cycle of data collection took place in January and February 2016. Invitations were e-mailed to attorneys who had appeared before judges standing for retention in the 3rd and 4th quarters of 2015. The initial invitations were sent on January 19th and reminders were sent on January 29th and February 3rd.

c. Questions:

Respondents evaluated judges on 6 aspects of judicial performance using a grade scale of A, B, C, D, or F. These grades were then converted to a numerical score where A = 4, B = 3, C = 2, D = 1 and Fail = 0. Those that indicated that they were familiar with the Judge's written opinions were asked to rate the judge in an additional six areas related to the Judge's writing skills. In a final question, respondents were asked to indicate how strongly they would recommend that the judge or justice be retained or not retained in office. For this evaluation cycle, the "Don't know enough to make a recommendation" response category was excluded from the retention question.

d. Analysis:

Letter grades were then converted to a numerical score where A = 4, B = 3, C = 2, D = 1 and Fail = 0 for analysis. The overall score is calculated by averaging the responses to all questions answered. This score will have the same numerical range as the individual questions from zero to four.

The overall average will be reported for each judge along with the average scores for the judge's peers. In addition, the report will include the distribution of responses for each question. That is, the percentage of attorneys that assigned a rating of A, B, C, D, and F.

e. Comments:

Respondents were also asked what they considered to be the judge or justice's strengths and weaknesses. By statute, these comments are confidential and only provided to the judge and the District Commission on Judicial Performance. They are not released to the public when the rest of the report is released.
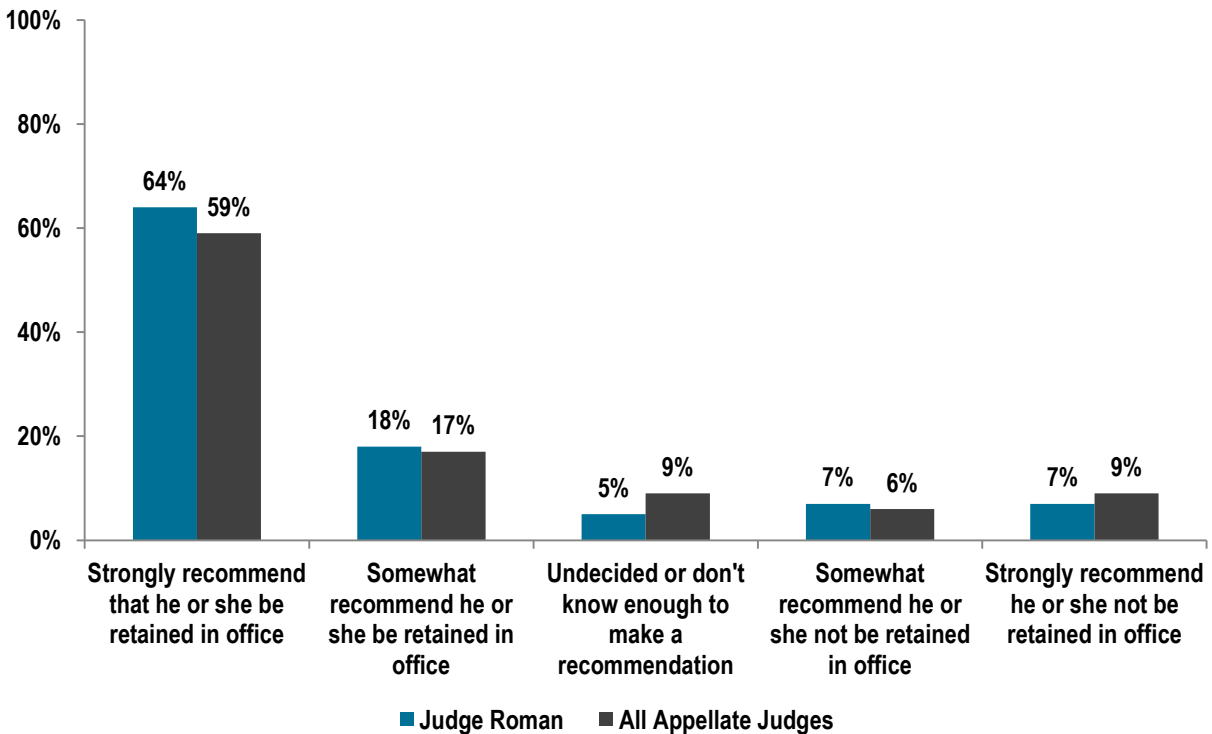
Retention

Keeping in mind your responses to each of the previous questions, how strongly do you recommend that Judge Roman be retained in office, or not be retained in office?

Table 5

Judge Gilbert M. Roman	
Total Retain	82%
Neither	5%
Total Not Retain	14%

Figure 3

General Evaluation

Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade Judge Roman on the following. If, for a specific question you feel that you do not have enough information to grade the judge, please check DK/NA for Don't Know/Not Applicable.

Figure 4

	All Appellate Judges	Judge Roman
Appellate General Overall Average	3.43	3.71
Being prepared for oral argument	3.55	3.52
Not engaging in ex parte communications	3.94	3.97
Being courteous toward attorneys	3.47	3.86
Treating parties equally regardless of race, sex, or economic status	3.67	3.88
Allowing parties to present their arguments and answer questions	3.48	3.83
Being fair and impartial toward each side of the case	3.22	3.57

Table 6

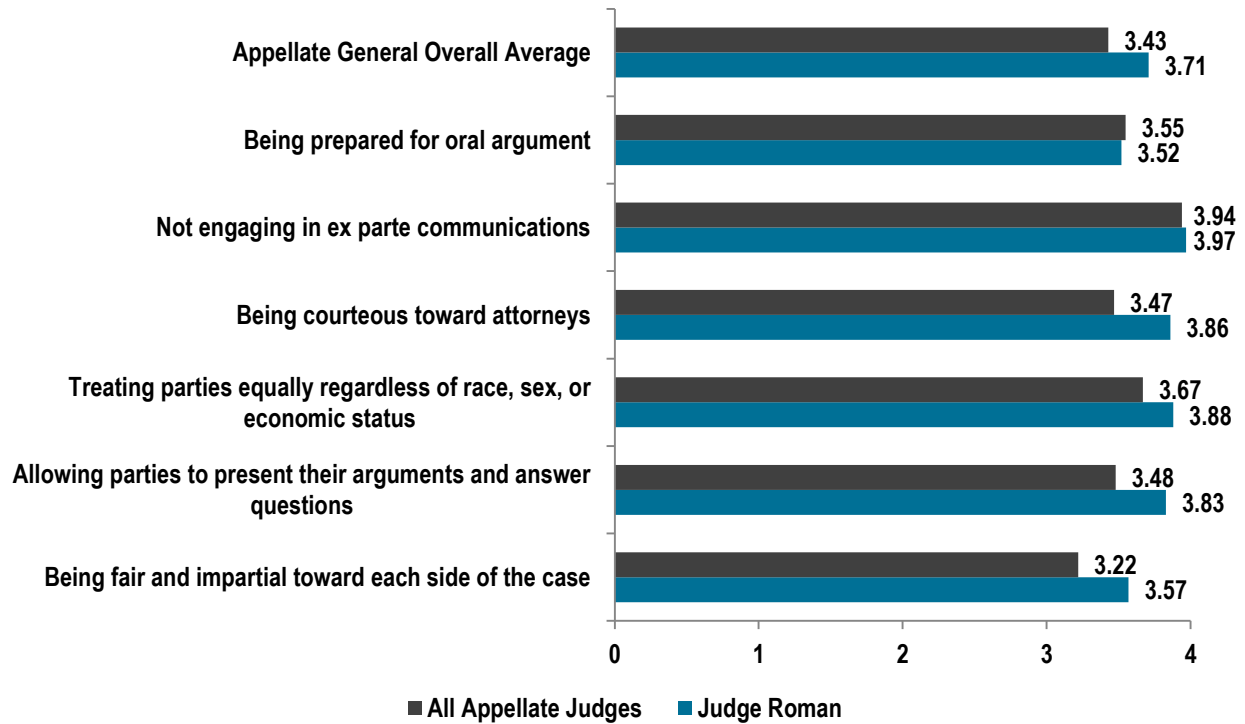| Appellate General								
Judge Gilbert M. Roman **Number of Responses: 44**	**A**	**B**	**C**	**D**	**Fail**	**DK/NA**	**Overall Average**	**All Appellate Judges**
Being fair and impartial toward each side of the case	77%	7%	11%	5%	--	--	3.57	3.22
Allowing parties to present their arguments and answer questions	80%	11%	2%	--	--	7%	3.83	3.48
Treating parties equally regardless of race, sex, or economic status	84%	7%	2%	--	--	7%	3.88	3.67
Being courteous toward attorneys	91%	5%	5%	--	--	--	3.86	3.47
Not engaging in ex parte communications	66%	2%	--	--	--	32%	3.97	3.94
Being prepared for oral argument	61%	23%	11%	--	--	5%	3.52	3.55
Appellate General Overall Average							3.71	3.43

Writing

Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade Judge Roman on the following. If, for a specific question you feel that you do not have enough information to grade the judge, please check DK/NA for Don't Know/Not Applicable.
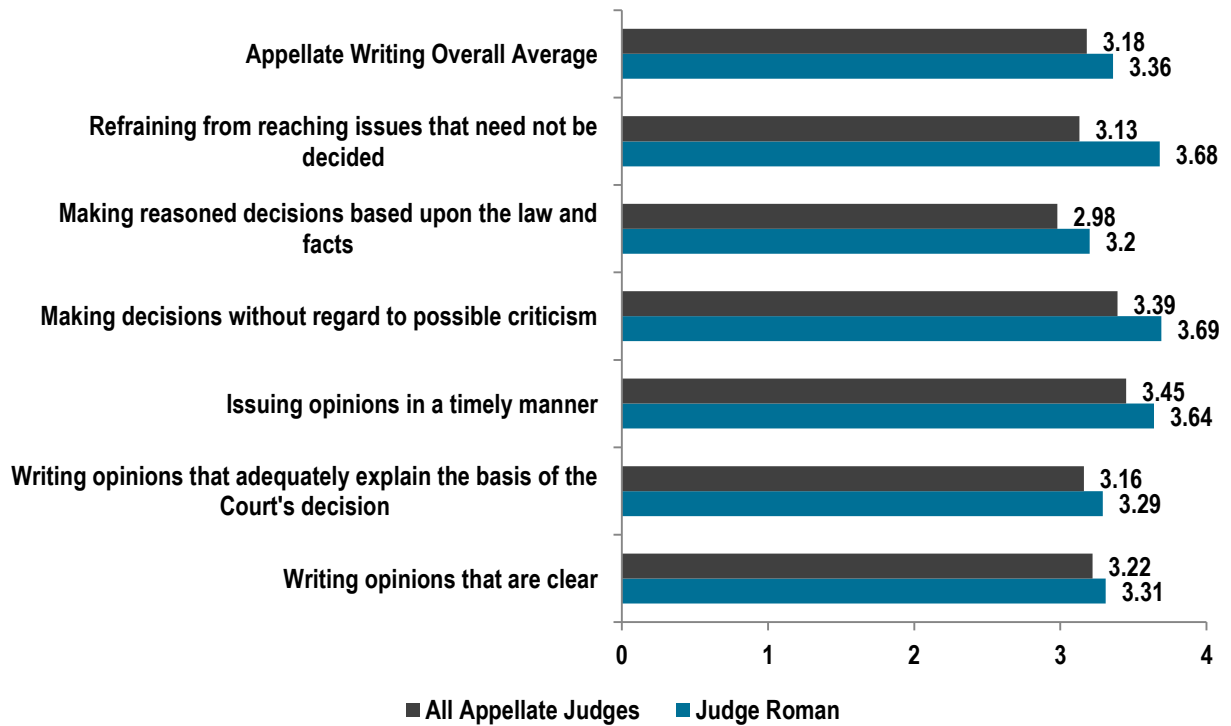
Figure 5

Legend: ■ All Appellate Judges   ■ Judge Roman

Category	All Appellate Judges	Judge Roman
Appellate Writing Overall Average	3.18	3.36
Refraining from reaching issues that need not be decided	3.13	3.68
Making reasoned decisions based upon the law and facts	2.98	3.2
Making decisions without regard to possible criticism	3.39	3.69
Issuing opinions in a timely manner	3.45	3.64
Writing opinions that adequately explain the basis of the Court's decision	3.16	3.29
Writing opinions that are clear	3.22	3.31

Table 7

Appellate Writing								
Judge Gilbert M. Roman **Number of Responses: 35**	**A**	**B**	**C**	**D**	**Fail**	**DK/NA**	**Overall Average**	**All Appellate Judges**
Writing opinions that are clear	57%	26%	11%	3%	3%	--	3.31	3.22
Writing opinions that adequately explain the basis of the Court's decision	57%	26%	9%	6%	3%	--	3.29	3.16
Issuing opinions in a timely manner	63%	29%	3%	--	--	6%	3.64	3.45
Making decisions without regard to possible criticism	57%	14%	--	3%	--	26%	3.69	3.39
Making reasoned decisions based upon the law and facts	60%	17%	9%	11%	3%	--	3.2	2.98
Refraining from reaching issues that need not be decided	60%	17%	--	3%	--	20%	3.68	3.13
Appellate Writing Overall Average							3.36	3.18

Survey of District and Appellate Judges

Methodology and How to Read Results

For Judge Roman, 125 qualified survey respondents submitted surveys. Of those who responded, 77 agreed they had worked with Judge Roman enough to evaluate his performance. This report reflects these 77 responses.

a. Response rates

For the inter-appellate evaluation, invitations were sent via email to all 28 Supreme Court justices and Court of Appeals judges. Judges and justices not standing for retention in 2016 were invited to evaluate all their appellate peers standing for retention. Appellate Judges and Justices standing for retention in 2016 were invited to evaluate their fellow judges up for retention, but not themselves. Of these, 23 responded and 21 completed the survey. The response rate was 82% and the completion rate was 91%.

District judges were invited to evaluate their peers standing for retention on the Court of Appeals or Supreme Court via email. For this survey all district judges were sent invitations to evaluate the 11 Court of Appeals judges or Supreme Court justices standing for retention. A total of 1,983 survey invitations were sent and 613 responded and 611 completed the survey. The overall response rate was 31% and the completion rate was 99%.

b. Methodology

Both District Judges and fellow members of the Supreme Court or Court of Appeals were asked to evaluate the appellate judges and justices standing for retention in 2016.

The evaluation of appellate judges and justices standing for retention by their peers in the appellate courts began with an email invitation sent on January 6th. A reminder email was sent on January 13th to those who had not yet responded.

The evaluation of appellate judges and justices by their peers in the district courts began with an email invitation sent on November 10th. A reminder email was sent on November 23rd to those who had not yet responded.

c. Questions

Both groups of judges providing appellate evaluations answered the same questions. The survey consisted of a series of 9 questions where the respondent was asked to rate the judges performance with an A through F letter grade. They were then asked how strongly they do or do not recommend the judge or justice for retention and given an opportunity to provide any written comments.

d. Analysis

Letter grades were then converted to a numerical score where A = 4, B = 3, C = 2, D = 1 and Fail = 0 for analysis. The overall score is calculated by averaging the responses to all questions answered. This score will have the same numerical range as the individual questions from zero to four.

The overall average will be reported for each judge along with the average scores for the judge's peers. In addition, the report will include the distribution of responses for each question. That is, the percentage of attorneys that assigned a rating of A, B, C, D, and F.

e. Comments

Respondents were given the option to leave supporting comments in a box next to where they graded each judge. By statute, these comments are confidential and only provided to the judge and the District Commission on Judicial Performance. They are not released to the public when the rest of the report is released.
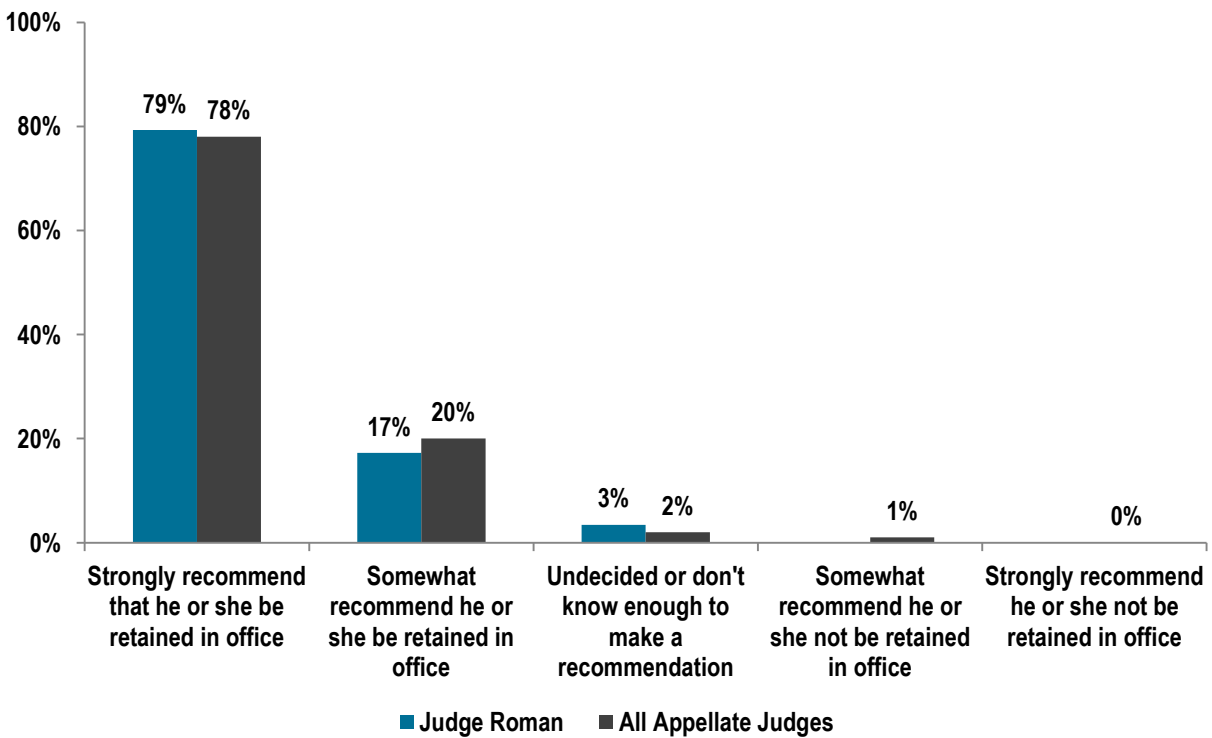
Retention

Keeping in mind your responses to each of the previous questions, how strongly do you recommend that Judge Roman be retained in office, or not be retained in office?

Table 8

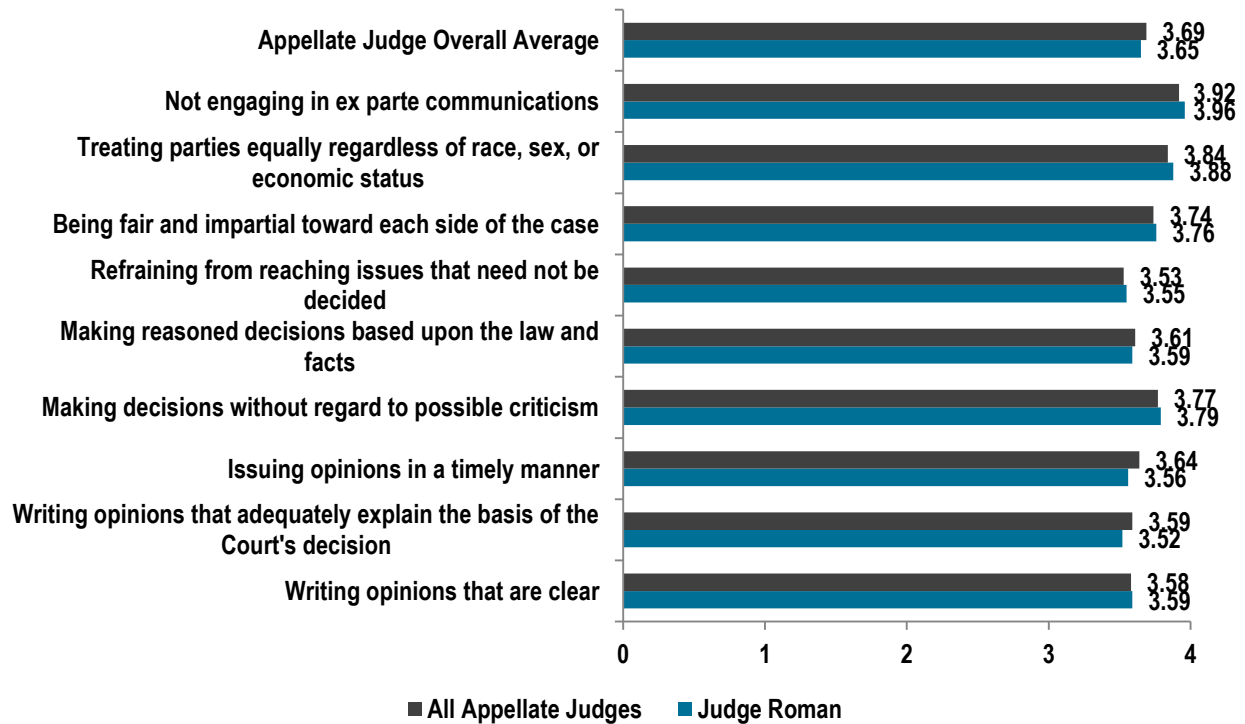| Judge Gilbert M. Roman	
Total Retain	97%
Neither	3%
Total Not Retain	0%

Figure 6

Individual Questions

Using a grade scale, where "A" is excellent along with B, C, D, or F for fail, please grade the following appellate judges on each aspect by selecting the appropriate letter grade. If you feel that you don't have enough information about a judge to mark a specific grade, please select "No Grade".

Figure 7

Legend: ■ All Appellate Judges   ■ Judge Roman

Table 9

Appellate Individual Questions								
Judge Gilbert M. Roman **Number of Responses: 77**	**A**	**B**	**C**	**D**	**Fail**	**DK/NA**	**Overall Average**	**All Appellate Judges**
Writing opinions that are clear	72%	14%	14%	--	--	--	3.59	3.58
Writing opinions that adequately explain the basis of the Court's decision	66%	24%	7%	3%	--	--	3.52	3.59
Issuing opinions in a timely manner	66%	14%	14%	--	--	7%	3.56	3.64
Making decisions without regard to possible criticism	79%	14%	3%	--	--	3%	3.79	3.77
Making reasoned decisions based upon the law and facts	76%	10%	10%	3%	--	--	3.59	3.61
Refraining from reaching issues that need not be decided	72%	14%	10%	3%	--	--	3.55	3.53
Being fair and impartial toward each side of the case	83%	14%	--	3%	--	--	3.76	3.74
Treating parties equally regardless of race, sex, or economic status	83%	3%	3%	--	--	10%	3.88	3.84
Not engaging in ex parte communications	76%	3%	--	--	--	21%	3.96	3.92
Appellate Judge Overall Average							3.65	3.69